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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/815,447	03/21/2001	Reagan W. Moore	02737.0004.NPUS01	7652
27240	7590	02/20/2004	EXAMINER	
HOWREY SIMON ARNOLD & WHITE, LLP - OC 301 RAVENSWOOD AVENUE BOX 34 MENLO PARK, CA 94025			VEILLARD, JACQUES	
			ART UNIT	PAPER NUMBER
			2175	
DATE MAILED: 02/20/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/815,447	MOORE ET AL.
	Examiner Jacques Veillard	Art Unit 2175

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 21 March 2001.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-85 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) _____ is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) 1-85 are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ .

5) Notice of Informal Patent Application (PTO-152)

6) Other: ____ .

DETAILED ACTION

1. This action is in response to the applicant's communication filed on 3/21/2001.
2. Claims 1-85 are presented for examination.

Election/Restrictions

3. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-41 and 55-85, drawn to a persistent archive of a collection of data objects, comprising a self-describing, infrastructure-independent representation of a logical structure for the collection and a knowledge based relevant to the collection, classified in class 707, subclass 100.
 - II. Claims 42-54, drawn to a method of forming occurrences of attribute or element values comprising data records tagged with attribute or element names and data occurrences of attribute or element values, classified in class 707, subclass 101.
4. The inventions are distinct, each from the other because of the following reasons:
Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as it is usable in a persistent archive of a collection of data objects, comprising a self-describing, infrastructure-independent representation of a logical structure for the collection and a knowledge based relevant to the collection, classified in class 707, subclass 100. Without requiring a method of forming occurrences of attribute or element values comprising data records tagged with attribute

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or element names and data occurrences of attribute or element values of group II, classified in class classified in class 707, subclass 101. See MPEP § 806.05(d).

5. Because these inventions are distinct for the reasons given above and because the search required for each group is different and not co-existent for examination purpose, these groups would require different searches in PTO's classification class and subclass. The group I search (1-41 and 55-85) would require use of search classified in Class 707, subclass 100, which would not required for Group II. The group II search (42-54) would require use of search classified in Class 707, subclass 101, which would not required for Group I, therefore restriction for examination purposes as indicated is proper.

6. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of the of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(I).

8. **Any response to this action should mailed to :**

Commissioner of Patent and Trademarks
Washington, D.C. 20231

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Or faxed to:

(703) 305-9051 (for formal of draft communication intended for entry)

Or:

(703) 308-5357 (for informal of draft communications, please label
“PROPOSED” or “DRAFT”)

Hand- delivered responses should be brought to Crystal Park II, 2021 Crystal Drive, Arlington VA, Sixth floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacques Veillard whose telephone number is (703) 305-7094. The examiner can normally be reached on Monday-Friday from 8:30 AM to about 4:00 PM., and on alternate Fridays.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at (703) 305-3830. The fax phone number for this group is (703) 308-5403.

Charles Rones
CHARLES RONES
PRIMARY EXAMINER

J.V.

Jacques Veillard
Patent Examiner TC 2100

February 11, 2004